IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36244 of 2007
SHYAM BIHARI YADAV son of Late Ramprasad Yadav
Resident of village- Bhagwatipur, P.S.- Udwant Nagar
District- Bhojpur, Ara
Versus
THE STATE OF BIHAR
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9 **18.12.2008** Heard learned counsel for the petitioner and Mr. R.P.S. Singh, Addl. P.P. appearing for the State.

The offence alleged is under sections 364, 302/34 of the Indian Penal Code and sections 3 &5 of the SC/ST (Prevention of Atrocities) Act.

It has been submitted on behalf of the petitioner that the petitioner is not a named accused, however his named figured during course of investigation on the statement of the wives of the deceased Dasai Nut to the effect that this petitioner along with other co-accused persons including one Arun Kumar Singh @ Arun Yadav is alleged to have taken the deceased on the jeep and except that there is no material against this petitioner. It is further submitted that the anticipatory bail application of the co-accused having similar allegation was rejected by this Court as per the order dated 07.05.2007 passed in Cr. Misc. No. 18171 of 2007, however the case number was later modified by the order dated 21.05.2007. It is further contended that subsequently the said Arun Kumar Singh moved before

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the Hon'ble Supreme Court and his application was allowed granting anticipatory bail by order dated 14th of September, 2007 passed in S.L.P. (Cr.) Nos. 2996 and 3553 of 2007. It is further contended that the petitioner's case also stands on similar footing.

Learned Addl. P.P. appearing for the State on perusal of the case diary is not in position to refute the above submissions.

In the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur, Ara, in connection with Sandesh P.S.Case No. 51 of 2001 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**